

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6054

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY DOUGLAS SMITH, a/k/a Binky,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Michael F. Urbanski, District Judge. (7:04-cr-00072-SGW-9)

Submitted: July 21, 2016

Decided: July 25, 2016

Before SHEDD, AGEE, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Christine Madeleine Lee, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Roanoke, Virginia, for Appellant. Thomas Linn Eckert, Craig Jon Jacobsen, Donald Ray Wolthuis, Assistant United States Attorneys, Rick A. Mountcastle, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory Douglas Smith appeals the district court's order denying his 18 U.S.C. § 3582(c)(2) motion for sentence reduction based on Amendment 782 to the U.S. Sentencing Guidelines Manual (2014). We review a district court's decision under § 3582(c)(2) for abuse of discretion, but conduct de novo review of the court's determination "as to the scope of its legal authority." United States v. Mann, 709 F.3d 301, 304 (4th Cir. 2013). We find no error in the district court's conclusion that Amendment 782 did not further reduce the Guidelines range applicable to Smith's narcotics conviction. Accordingly, we affirm the district court's order. See United States v. Smith, No. 7:04-cr-00072-SGW-9 (W.D. Va. Jan. 4, 2016). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED